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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,145	05/24/2001	Louis Dominic Oliveira	010080	2679
23696	7590	03/08/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			GARY, ERIKA A	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,145

Applicant(s)

OLIVEIRA, LOUIS DOMINIC

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/8/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimanuki, US Patent Number 5,890,071 (hereinafter Shimanuki) in view of Applicant's Admitted Prior Art (AAPR).

Regarding claims 12, 16 and 17, Shimanuki discloses a method for processing received audio signals in a device, the method comprising disabling a tuner circuitry when the audio signals comprise voice signals; and enabling the telephone circuitry when the audio signals comprise music signals. Shimanuki further discloses the concept of providing power to both the tuner and telephone circuitry when the tuner is selected and providing power to only the telephone circuitry when the tuner is not selected for the purpose of conserving power [figs. 1, 4-8; column 3, lines 61-66; column 4, lines 36-67; column 5, lines 1-32].

Shimanuki fails to disclose that the receive audio path comprises a first channel and a second channel.

The AAPR discloses that the plurality of components may be in either a right or left channel of the receive audio processing path [figure 1; page 3, lines 4-27]. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimanuki such that the receive audio processing path included both a right channel and left channel for the purpose of allowing the audio signals to be output through either a loudspeaker (19) or a loudspeaker (9).

Regarding claim 13, Shimanuki in view of AAPR discloses the method of claim 12 wherein the disabling of the first channel is performed by a stereo/mono control unit. (Shimanuki: Figures 1, 4-8; column 3, lines 61-66; column 4, lines 36-67; column 5, lines 1 -32)

Regarding claim 14, Shimanuki in view of AAPR discloses the method of claim 13 wherein the disabling of the first channel is performed by the control output of the stereo/mono control unit disabling at least one of a plurality of components in the first channel. (Shimanuki: Figures 1, 4-8; col. 3, lines 61 –66; col. 4, lines 36-67; col. 5, lines 1-32)

Regarding claim 15, Shimanuki in view of AAPR discloses the method of claim 14 wherein the plurality of components comprise a receive gain, a receive filter, a digital-to-analog converter, a left/right selector, and a headset amp. (Shimanuki: Figure 6; col. 7, lines 55-60; AAPR: Figure 1)

Regarding claim 18, Shimanuki in view of AAPR discloses the method of claim 13 wherein the device comprises a vocoder and an audio decoder. (Shimanuki: Figures 1 and 4-7). Shimanuki fails to specifically disclose the receiver path comprising an audio mux that receives voice signals from the vocoder and music signals from the audio decoder. AAPR discloses a receiving path having an audio mux. (Figure 1; page

3, lines 12-13) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimanuki to include an audio mux for the purpose of directing the audio signals to be output to either the loudspeaker (19) or the loudspeaker (9) depending on whether the signals are voice or music.

Regarding claim 19, Shimanuki in view of AAPR discloses the method of claim 18. Shimanuki fails to specifically disclose the receiver path comprising an audio mux. AAPR discloses a receiving path having an audio mux. (Figure 1; page 3, lines 12-13) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimanuki to include an audio mux for the purpose of directing the audio signals to be output to either the loudspeaker (19) or the loudspeaker (9).

Regarding claim 20, Shimanuki in view of AAPR discloses the method of claim 12 further comprising determining whether a stereo output component is coupled to the device. (Figures 1, 4-8; column 3, lines 61-66; column 4, lines 36-67; column 5, lines 1-32)

Regarding claim 21, Shimanuki in view of AAPR discloses the method of claim 20 further comprising disabling the first channel when the stereo output component is not coupled to the device. (Figures 1, 4-8; column 3, lines 61-66; column 4, lines 36-67; column 5, lines 1-32)

Allowable Subject Matter

3. Claims 1-11 are allowed. Prior art has not been found that suggests or renders obvious the circuit detail of claim 1.

Response to Arguments

4. Applicant's arguments filed November 8, 2004 have been fully considered but they are not persuasive. Applicant argues that Shimanuki and AAPR do not teach disabling and enabling a first and a second channel in a receive audio processing path based on whether the audio signal is a voice signal or a music signal. However, the Examiner respectfully disagrees. Shimanuki teaches disabling a tuner circuitry when the audio signals comprise voice signals and enabling both the tuner and the telephone circuitry when the audio signals comprise music signals. The AAPR discloses that it is known in the art to have the plurality of components in a right or left channel of the receive audio processing path. (Figure 1; page 3, lines 4-27) The Examiner maintains that it would have been obvious to include the first and second channels as Shimanuki teaches separate disabling and enabling of the tuner and telephone circuitry. Further, since Shimanuki teaches providing output to a first or second output [loudspeaker (19) or loudspeaker (9)], it would have been obvious to include first and second channels.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

Art Unit: 2681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ERIK A. GARY
PRIMARY EXAMINER

EAG
March 3, 2005